

Docket No.: BVL-

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : van Lengerich
Serial No. : 09/233,443 Group Art Unit: 1617
Filed : January 20, 1999 Examiner: E. WEBMAN
For : ENCAPSULATION OF SENSITIVE LIQUID
COMPONENTS INTO A MATRIX TO OBTAIN
DISCRETE SHELF-STABLE PARTICLES

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ELECTION IN RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Further to the Election of Species Requirement dated November 6, 2002, Applicant elects fats as the hydrophobic species recited in Claim 96. The claims under examination are Claims 21-22, 26, 29, 47-52, 54-55, 57, 66-67, 96-99, and 101-106. Contrary to the Examiner's indication, Claims 59-60 were canceled in the previous Response.

Claims 21-22, 26, 29, 47-52, 54-55, 57, 66-67, 96, 98-99, and 101-106 read upon the elected species of fats as well as on the other two elected species of durum ingredient and microorganism. In combination with the prior Restriction and Election of Species Requirement, the elected species are: (1) a durum ingredient as a plasticizable matrix; (2) a microorganism nutraceutical component as an encapsulant; and (3) fats as a hydrophobic agent. Applicant respectfully notes that the probiotic of Claim 98 is a microorganism nutraceutical species and should also be examined. See specification at page 17, lines 2-12.

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Election In Response To Election of Species Requirement


As noted by the Examiner, the non-elected claims will be rejoined if the elected claims are deemed allowable and the non-elected claims contain the same limitations as the elected claims.

If there are any questions regarding this Response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application.

An Eighth Supplemental Information Disclosure Statement, together with a check for \$180.00, is being filed concurrently herewith.

If any fees are due, please charge our Deposit Account No. 501032 (Docket No. BVL-105).

Respectfully submitted,



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November 22, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence dated 11/22/02 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on 11/22/02.


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Date: 11/22/02